



1995 ASSEMBLY BILL 368

May 10, 1995 - Introduced by Representatives WIRCH and SERATTI, cosponsored by Senator ANDREA. Referred to Committee on Natural Resources.

1 **AN ACT to amend** 144.9407 (9) (a); and **to create** 144.9407 (9) (am) of the
2 statutes; **relating to:** allowing a county, city, village or town to withdraw from
3 the restrictions on local governmental actions affecting registered nonmetallic
4 mineral deposits.

Analysis by the Legislative Reference Bureau

Under current law, a landowner may register land with the county in which the land is located if the land has an economically viable nonmetallic mineral deposit. A registration may not be rescinded. After land is registered, a county, city, village or town may not, by zoning or any other official action or inaction, permit the use of the land in a manner that would permanently interfere with the extraction of the nonmetallic mineral deposit. This limitation does not prohibit a use of the land that is permissible immediately before the land is registered.

This bill authorizes a county, city, village or town to withdraw from the nonmetallic mineral registration provisions by an ordinance enacted by a two-thirds vote of the entire membership of the governing body of the county, city, village or town. A withdrawal ordinance enacted by a county only withdraws the unincorporated area of the county from the registration provisions. A withdrawal ordinance rescinds any land registration previously made within a city, village or town that enacts the ordinance or within the unincorporated area of a county that enacts the ordinance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 144.9407 (9) (a) of the statutes is amended to read:

1 144.9407 (9) (a) *Registration*. Beginning on June 1, 1994, a landowner may
2 register land owned by that person with each county in which the land is located if
3 the land has an economically viable nonmetallic mineral deposit and if the county,
4 city, village or town where the land is located has not withdrawn from the
5 registration program by enacting an ordinance under par. (am). The registration
6 shall delineate the nonmetallic mineral deposit and the necessary buffer areas under
7 the nonmetallic mining reclamation ordinance. The landowner, as a condition of
8 registration, shall submit evidence that a notation of the registration has been
9 recorded in the office of the register of deeds in each county in which the nonmetallic
10 mineral deposit or buffer area is located. A registration under this paragraph may
11 not be rescinded by ~~the county or~~ the landowner or his or her successors or assigns.

12 **SECTION 2.** 144.9407 (9) (am) of the statutes is created to read:

13 144.9407 (9) (am) *Withdrawal from registration provisions*. A county, city,
14 village or town may withdraw from the registration provisions under par. (a) by an
15 ordinance enacted by a two-thirds vote of the entire membership of the governing
16 body of the county, city, village or town. The withdrawal takes effect on the effective
17 date of the ordinance. A county ordinance is effective only within the unincorporated
18 area of the county. An ordinance enacted under this paragraph rescinds any
19 registration previously made under par. (a) within the city, village or town that
20 enacts the ordinance or within the unincorporated area of the county that enacts the
21 ordinance. A county, city, village or town may only rescind a registration under par.
22 (a) by enacting an ordinance under this paragraph. A county, city, village or town
23 that enacts an ordinance under this paragraph may repeal the ordinance, but repeal

1 of the ordinance does not reinstate any registration made under par. (a) prior to
2 enactment of the ordinance.

3 (END)